

Agency	C*	S	O	Regulatory Context for Water Conveyance, Storage, and Operations in California	Relevant Regulatory Codes/Policies
<b>WATER RESOURCES AGENCIES</b>					
<b>SWRCB</b>	X	X	X	The State Water Resources Control Board (SWRCB) aims to provide comprehensive protection for state waters. This is done primarily through allocating water rights and setting and enforcing water quality standards (surface and groundwater). The SWRCB also sets flow criteria, including standards for the Bay-Delta, and can regulate storage and operations through water rights and water quality criteria. The U.S. Environmental Protection Agency (EPA) delegates to the SWRCB its authority under the federal Clean Water Act (CWA) to set water quality standards. SWRCB can issue emergency regulations, e.g. for conservation or temporary suspension of water quality standards during critical drought periods. The SWRCB also oversees short and long term transfers, which involve water rights. In addition, the SWRCB is responsible for setting, and regularly updating, water quality control plans (WQCP). The Bay-Delta WQCP was last updated in 2006, an update is expected in 2018.	Water rights (Title 23, Div. 3) Porter-Cologne Water Quality Control Act (Div. 7; Water Code [WC] section 13001). Transfers (WC section 1725 et seq., 1735 et seq.)
<b>DWR</b>	X	X	X	The Department of Water Resources (DWR) works to manage water for the benefit of all Californians, to protect and enhance natural and human environments, and to set long term strategic goals through preparation of the California Water Plan Update. Its regulatory role is to enforce dam safety requirements and implementation of groundwater regulations (Basin Boundary Regulations were adopted November 2015 and Groundwater Sustainability Plan (GSP) Regulations are expected June 1, 2016). DWR is the regulating and assisting agency for the Sustainable Groundwater Management Act (SGMA). DWR constructed the State Water Project, and jointly operates this in coordination with the Central Valley Project, managed by the United States Bureau of Reclamation.	Safety of Dams (Title 23, Div.2, Ch. 1) SGMA (WC section 10720); SGMA draft regulations expected after Spring 2016).
<b>CWC</b>		X		The California Water Commission (CWC) monitors and reports on construction and operation of the State Water Project and is required by statute to approve DWR regulations. The adoption of Prop. 1 provided authority for CWC to rank projects for Prop. 1 investment. In March 2017, the CWC adopted regulations that formalize the process to apply for funding and justify potential public benefits and their methods for evaluation of proposed public benefits for Prop. 1 funds.	Water Storage Investment Program (Title 23, Div. 7, Ch. 1)
<b>FISH AND WILDLIFE AGENCIES</b>					
<b>CDFW</b>	X	X	X	The California Department of Fish and Wildlife (CDFW) has regulations on fish and wildlife protection, such as the Lake and Streambed Alteration Program, and also implements the California Endangered Species Act (CESA) and complies with the California Environmental Quality Act (CEQA). CDFW can issue permits under CESA under certain conditions, and can provide biological reviews for CEQA documents prepared by another lead agency. CDFW can also act as a CEQA lead agency. CDFW - through CEQA, CESA, and other laws - can influence siting of infrastructure as well as operations. CDFW issues consistency determinations for the biological opinions for the State Water Project (SWP) and the Central Valley Project (CVP), which govern aspects of DWR and the United States Bureau of Reclamation's operations.	CESA (Fish and Game Code section 2050-2069). CEQA (Public Resources Code Section 21000 et seq.). Lake and Streambed Alteration Program (Fish and Game Code section 1602).
<b>NMFS</b>	X	X	X	The National Marine Fisheries Service (NMFS) regulates aspects of conveyance, storage and operations if federally listed species present. NMFS has jurisdiction over anadromous species (e.g., salmon) and resident killer whale. Federal Endangered Species Act (ESA) section 7(a)(2) is the impetus for the Biological Opinions (BIOps) that influence pumping for the SWP and CVP. The 2009 NMFS BIOp (with 2011 amendments) regulate aspects of the operations of storage and conveyance infrastructure.	ESA section 7.
<b>OTHER</b>					
<b>USFWS</b>	X	X	X	The U.S. Fish and Wildlife Service (USFWS) regulates aspects of conveyance, storage and operations if federally listed species are present. USFWS has jurisdiction over inland fish species (e.g., Delta smelt). The 2008 USFWS BIOp regulates pumping for the SWP and CVP.	ESA section 7.
<b>FERC</b>	X		X	The Federal Energy Regulatory Commission (FERC) oversees hydropower (re)licensing, including environmental issues related to hydropower projects and compliance with NEPA. NEPA/CEQA and ESA/CESA may also be triggered by FERC reviews, and SWRCB can become involved through 401 (water quality) and 404 (diversion) approvals.	Federal Power Act (16 U.S. Code [USC] ch. 12, subchapter I). Wild and Scenic Rivers Act (16 USC 1271-1287).
<b>USACE</b>	X	X	X	The U.S. Army Corps of Engineers (USACE) is responsible for public safety through flood protection, and safety and environmental quality through regulations on discharge of fill material or construction of infrastructure. of discharges of dredged or fill material, construction of infrastructure, and construction or alterations to existing USACE levees in navigable waters of the United States. Navigable waters are defined as waters that "are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce...".	Construction of dams or levees (Rivers and Harbors Act section 9). Alteration to levees (Rivers and Harbors Act section 14 [33 USC 408]). Discharge of dredged material (33 CFR 323, 335). Flood control regulations and operations [flood rule curves] (33 CFR 208, 222.5).
<b>Reclamation</b>	X	X	X	The United States Bureau of Reclamation (Reclamation) manages the Central Valley Project (CVP), and operates/jointly operates infrastructure, e.g. Folsom dam. Under the 1992 Central Valley Project Improvement Act (CVPIA) restoration, mitigation, and fish and wildlife protection were included as areas with equal priority to irrigation/domestic uses. Operations of the CVP/SWP are also regulated by biological opinions issued by NMFS and USFWS.	Central Valley Improvement Act (Title 34 [Public Law 102-575])
<b>*Key: Water Supply Element</b>			<b>Note:</b> This table is not a comprehensive list all regulatory policies related to conveyance, storage, or operations in the Sacramento-San Joaquin Delta or other areas within California.		
C: Conveyance			This chart has been prepared for informational purposes only. While the Council intends to avoid regulatory duplication, the Council still retains concurrent jurisdiction as appropriate.		
S: Storage					
O: Operations					